



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/722,889	11/27/2000	Henry F. Lada	COMP:0129 (P00-3124)

CONFIRMATION NO. 6088

## FORMALITIES LETTER



Michael G. Fletcher  
Fletcher, Yoder & Van Someren  
P.O. Box 692289  
Houston, TX 77269-2289

Date Mailed: 03/30/2001

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

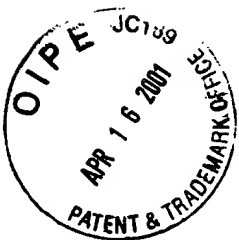
- Figure(s) **Fig 7** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if

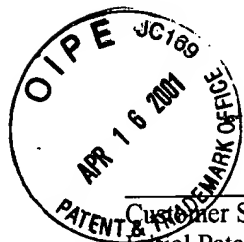


necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*

*Nik*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Please type a plus sign (+) inside this box →



PTO/SB/05 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	COMP:0129 (P00-3124)	Total Pages	75
First Named Inventor or Application Identifier			
Henry F. Lada et al.			
Express Mail Label No.	EL 652-334-408 US		

## APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification Total Pages 45  
(preferred arrangement set forth below)  
-Descriptive  
-Cross References to Related Application  
-Statement Regarding Fed sponsored R & D  
-Reference to Microfiche Appendix  
-Background of the Invention  
-Brief Summary of the Invention  
-Brief Description of the Drawings (if filed)  
-Detailed Description  
-Claim(s)  
-Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) Total Sheets 7  
Total Pages 21
4. Oath or Declaration
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)
  - c. ☐ Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

8. ☒ Assignment Papers (cover sheet & document(s))
9. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
(where there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
14. ☐ Small Entity ☐ Statement filed in prior application  
Statement(s) Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other (PTO-2038)

17. ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: \_\_\_\_\_

## 18. CORRESPONDENCE ADDRESS

- ☐ Customer Number or Bar Code Label ☐ Correspondence address below  
(Insert Customer No. or Attach bar code label here)

NAME	Michael G. Fletcher				
	Fletcher, Yoder & Van Someren				
ADDRESS	P.O. Box 692289				
CITY	Houston	STATE	Texas	ZIP CODE	77269-2289
COUNTRY	USA	TELEPHONE	(281) 970-4545	Fax	(281) 970-4503

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Henry F. Lada et al.

Serial No.: 09/722,889

Filed: November 27, 2000

For: EMBEDDING AND DOWNLOADING  
HANDHELD OPTION PACK

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Group Art Unit: 2182

Examiner: Unassigned

Atty Docket: COMP:0129/FLE  
P00-3124



Assistant Commissioner  
for Patents  
Washington, D.C. 20231

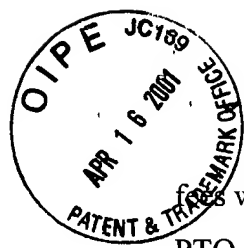
CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:	
April 10, 2001 Date	 Michael G. Fletcher

Sir:

**RESPONSE TO THE NOTICE OF OMITTED ITEM(S)**

In Response to the Notice of Omitted Item(s) in a Non-Provisional Application mailed on March 3, 2001, please find enclosed the following papers: (1) a copy of the Notice of Omitted Item(s); (2) a copy of the Utility Patent Application transmittal form filed with the application on November 27, 2000; (3) a copy of the postcard filed with the application on November 27, 2000; and (4) a PTO-2038 form in conjunction with the authorization to charge the petition fee for the present action.

Applicants contend that the item listed on the Notice of Omitted Item(s) form was in fact deposited in the Patent and Trademark Office with the Non-Provisional application papers at the time of filing of the Non-Provisional application on November 27, 2000. In support of this contention, Applicants hereby submit copies of the original Utility Patent application transmittal form and postcard which were deposited with the Non-Provisional Application on November 27, 2000. Each document indicates that seven (7) drawing sheets were included at the time of filing. Thus, according to our records, since Fig. 7 was included in these seven (7) drawing sheets, Fig. 7 was properly submitted at the time of filing under 37 C.F.R. 1.53(b).

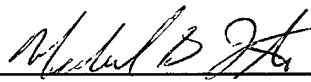


The Commissioner is authorized to charge the petition fee of \$130.00, and any additional fees which may be required, to the credit card listed on the attached PTO-2038. However, if the PTO-2038 is missing, if the amount listed thereon is insufficient, or if the amount is unable to be charged to the credit card for any other reason, the Commissioner is authorized to charge Deposit Account No. 06-1315; Order No. COMP:0129/FLE.

While Applicants have submitted a \$130.00 petition fee under 37 C.F.R. 1.17(i), Applicants have provided sufficient evidence in support of the contention that the Notice of Omitted Item(s) was sent as a result of an error on the part of the Patent and Trademark Office. Accordingly, Applicants are entitled to a refund of the petition fee included herein.

Respectfully submitted,

Date: April 10, 2001

  
\_\_\_\_\_  
Michael G. Fletcher  
Reg. No. 32,777  
FLETCHER, YODER & VAN SOMEREN  
P.O. Box 692289  
Houston, Texas 77269-2289  
(281) 970-4545

Please indicate receipt of the below-identified paper:

☒ New application

Specification: 45 Pages;

Drawings: 7

☐ Continuation

☐ Divisional

☐ CIP

☐ CPA

☐ Response to Office Action dated

☐ Final

☒ Other Fee Transmittal Form; PTO-1595; PTO-2038; Utility Patent Application; 3 copies of drawings Declaration; Power of Attorney

☒ Assignment enclosed

☒ Cert. Of Timely Mailing

☐ Express

Identification of Application:

Serial No. Unassigned

Title embedding and downloading handheld option

Applicant Henry F. Lada et al.

Client Compag

File No. COMP:0129/Poo-3124

Mailed 11/21/00

Filed

Attorney File/Ram Due Date

Jc846 U.S. PTO  
09/722889



11/27/00

Receipt of  
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Specification: 45 Pages; 11/27/00 Drawings: 7 Sheets

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☐ Divisional

☐ CIP

☐ CPA

Office Action dated

☐ Final Rejection

t enclosed

☒ Cert. Of Timely Mailing

☐ Express Mail

f Application:

Attorney File/Ram

Filed

Due Date

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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Diane Strong  
20555 SH 244  
M 110701  
Houston, TX 77029

Domestic Return Receipt

2. Article Number (Copy from service label)

799 34000018 2317 5364

PS Form 3811, July 1999

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102585-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

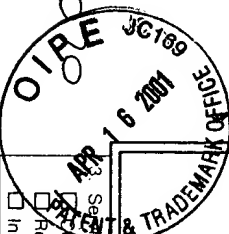
C. Signature

X

Diane Strong

Agent Addressed

D. Is delivery address different from item 1? If YES, enter delivery address below.



Service Type

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☐ Express Mail

☐ Return Receipt for Merchandise

4. Restricted Delivery? (Extra Fee)

☐ Yes